

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Patrick Ryan Grande,

File No. 18-cv-02904 (ECT/KMM)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

State of MN; Emily Piper Johnson,
Commissioner of Health and Human
Services; Governor Mark Dayton, State of
Minnesota; AMFSCME Council 5; Dr.
Thomas Gratzner; Dr. William Ericson; Dr.
Michael Farnsworth; Dr. Stanley Shapiro,

Defendants.

The Court has received the December 14, 2018 Report and Recommendation of United States Magistrate Judge Katherine Menendez. ECF No. 8. No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation [ECF No. 8] is **ACCEPTED**;
2. Plaintiff's complaint [ECF No. 1] shall be **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), with leave to file an amended complaint within 30 days of this order, or on or before February 8, 2019. A failure to comply may result in dismissal of this action pursuant to Fed. R. Civ. P. 41(b).

3. If Plaintiff files an amended complaint, he should also file a new application to proceed in forma pauperis with his amended pleading.

4. The Clerk's Office is **DIRECTED** to supply Plaintiff with a copy of the standard habeas corpus petition.

3. Plaintiff's pending Application to Proceed In Forma Pauperis [ECF No. 2], Motion to Set Patrick Ryan Grande Free [ECF No. 3], and his Motion to Alter/Amend/Supplement Pleadings [ECF No. 6] are **DENIED** as moot.

Dated: January 9, 2019

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court